

CHAPTER 1101**REGISTRATION AND USE OF BOATS***S.F. 2108*

AN ACT relating to the registration and use of boats and motorboats.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 106.5, subsection 3, unnumbered paragraph 3, Code 1991, is amended to read as follows:

If a timely application for renewal is made, the applicant shall receive the same registration number allocated to the applicant for the previous registration period. If the application for registration for the biennium is not made before May 1 of each odd-numbered year, the applicant shall be charged a penalty of ~~two five dollars for each six months, or any portion thereof,~~ the applicant is delinquent. ~~Provided that if a registration is not renewed for two consecutive registration periods, the number of the delinquent registration may be assigned to another person, and upon application for registration by the delinquent registrant, the delinquent registrant shall be assigned a new registration number and shall not be charged any penalties.~~

Sec. 2. Section 106.31, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Except as provided in special rules adopted under this chapter, a motorboat shall not be permitted on any artificial lake under the jurisdiction of the commission except the following:

Sec. 3. Section 106.31, subsection 1, paragraph a, Code 1991, is amended to read as follows:

a. A motorboat equipped with one or more outboard battery operated electric trolling ~~motor~~ of not more than one and one-half horsepower motors.

Approved April 21, 1992

CHAPTER 1102**COUNTY GENERAL OBLIGATION BONDS FOR WATER SERVICES***S.F. 2119*

AN ACT relating to essential county purposes and the use of general obligation bonds for funding of local water services.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 331.441, subsection 2, paragraph b, subparagraph (12), Code 1991, is amended by striking the subparagraph and inserting in lieu thereof the following:

(12) Funding the acquisition, construction, reconstruction, improvement, repair, or equipping of waterworks, water mains and extensions, ponds, reservoirs, capacity, wells, dams, pumping installations, real and personal property, or other facilities available or used for the storage, transportation, or utilization of water.

(a) The county board of supervisors may on its own motion or upon written petition of a water supplier, established under chapter 357A or 504A, designate the territory to be served as a special taxing district. The county's debt service tax levy for county general obligation bonds issued for the purposes set out in this subparagraph shall be levied only against real property within the county which is included within the boundaries of the special taxing district. A property not presently included within the boundaries of the special taxing district may petition to be included in the district subsequent to its establishment.

(b) General obligation bonds for the purposes outlined in this subparagraph are subject to the right of petition for an election as provided in section 331.442, subsection 5, paragraphs “a”, “b”, and “c”, without limitation on the amount of the bond issue or the size of the county, and the board shall include notice of the right of petition in the notice required.

(c) A county and a city entering into a water supplier agreement shall provide in the agreement for a different rate of the county’s debt service tax levy against benefited and nonbenefited property.

Approved April 21, 1992

CHAPTER 1103

UNDERGROUND FACILITIES INFORMATION

S.F. 2133

AN ACT relating to requirements for notice to an underground facility operator by a person planning certain excavation activities near the underground facility, establishing procedures, and providing for civil liability and injunctive relief, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 480.1, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

480.1 DEFINITIONS.

1. “Board” means the board of directors of the notification center.
2. “Damage” means any impact with, destruction, impairment, or penetration of, or removal of support from an underground facility, including damage to its protective coating, housing, or device.
3. “Emergency” means a condition where there is clear and immediate danger to life or health, or essential services, or a potentially significant loss of property.
4. “Excavation” means an operation in which a structure or earth, rock, or other material in or on the ground is moved, removed, or compressed, or otherwise displaced by means of any tools, equipment, or explosives and includes, but is not limited to, grading, trenching, tilting, digging, ditching, drilling, augering, tunneling, scraping, cable or pipe plowing, driving, and demolition of structures.

“Excavation” does not include normal farming operations, residential, commercial, or similar gardening, the opening of a grave site in a cemetery, normal activities involved in land surveying pursuant to chapter 114, operations in a solid waste disposal site which has planned for underground facilities, the replacement of an existing traffic sign at its current location and at no more than its current depth, and normal road or highway maintenance which does not change the original grade of the roadway or the ditch.
5. “Excavator” means a person proposing to engage or engaging in excavation.
6. “Normal farming operations” means plowing, cultivation, planting, harvesting, and similar operations routine to most farms, but excludes chisel plowing, sub-soiling, or ripping more than fifteen inches in depth, drain tile excavating, terracing, digging or driving a post in a new location other than replacing a post while repairing a fence in its existing location, and similar operations.
7. “Notification center” means the statewide notification center established in section 480.3.
8. “Operator” means a person owning or operating an underground facility including, but not limited to, public, private, and municipal utilities. An operator does not include a person who owns or otherwise lawfully occupies real property where an underground facility is located only for the use and benefit of the owner or occupant on the property.